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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,965	04/20/2000	Michael J. Jones	10981337-1	6285

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EXAMINER

BURLESON, MICHAEL L

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/556,965	Applicant(s) JONES, MICHAEL J.	
	Examiner Michael Burleson	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 and 23-34 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8,10,12,14,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 4,9,13,15 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2,3</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3,5,6,8,10,21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen US 4739377.

Regarding claim 1, Allen teaches that within an image area, a visible written or printed indicia and an invisible bar code (8) is located (column 2,lines 45-48), which reads on accepting first data representing a first information and accepting second data representing a second information, said second information being unrelated to and independent of said first information. Allen shows the image area (7) where a visible written or printed indicia is placed and an invisible bar code (8) are placed on a document sheet (5) (figure 1). He also teaches that the first image is developed with black toner and the second image is developed with transparent fluorescent toner (column 7,lines 10-15). This reads on depositing marks of a first color in accordance with said first data and depositing marks of at least a second color in accordance with said second data and accommodating said marks of a first color, such that said first

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information and said second information are printed on the medium and are detectable from the printed medium as separate first information and second information.

1. Regarding claim 3, Allen shows that the invisible bar code (8) is printed in a location not occupied by the printed indicia (figure 1), which reads on depositing marks of at least a second color to accommodate said marks of said first color further comprises the step of depositing marks of said at least a second color on the medium at locations where marks of first color are absent.

2. Regarding claim 5, Allen teaches that the image is developed with black toner and another image is developed with transparent fluorescent toner (column 7, lines 10-15). He also teaches that alternate printing techniques may include ink jet printing (column 10, lines 66-67 and column 11, lines 1-3). This reads on depositing marks of at least a second color further comprises the step of depositing marks of a second color perceptible to a human and said step of depositing marks of a first color further comprises the step of depositing marks of a first color imperceptible to a human.

Regarding claim 6, Allen teaches that the first image is developed with black toner and the second image is developed with transparent fluorescent toner (column 7, lines 10-15). He teaches of alternate printing techniques may include ink jet printing (column 10, lines 66-67 and column 11, lines 1-3). This reads on depositing marks of a first color further comprises the step of ejecting drops of a first color ink and wherein said step of depositing marks of at least a second color further comprises the step of ejecting drops of a second color ink.

Regarding claim 8, Allen teaches that within an image area, a visible written or printed indicia and an invisible bar code (8) is located (column 2, lines 45-48), which reads on accepting data representing a first information and accepting data representing a second information, said second information being unrelated to and independent of said first information. Allen shows the image area (7) where a visible written or printed indicia is placed and an invisible bar code (8) are placed on a document sheet (5) (figure 1). He also teaches that the first image is developed with black toner and the second image is developed with transparent fluorescent toner (column 7, lines 10-15). This reads on depositing marks of at least two colors in accordance with said first information data and said second information data such that said first information and second information are separately detectable from the medium, said first information data determining where a mark is to be deposited on the medium and said second information data determining a color of said at least two colors of marks to be deposited.

Regarding claim 10, claim 10 is rejected for the same reasons as claim 6.

Regarding claim 21, Allen teaches that within an image area, a visible written or printed indicia and an invisible bar code (8) is located (column 2, lines 45-48), which reads on accepting first data representing a first information and accepting second data representing a second information, said second information being unrelated to and independent of said first information. Allen shows the image area (7) where a visible written or printed indicia is placed and an invisible bar code (8) are placed on a

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document sheet (5) (figure 1). He also teaches that the first image is developed with black toner and the second image is developed with transparent fluorescent toner (column 7, lines 10-15). He also teaches that alternate printing techniques may include ink jet printing (column 10, lines 66-67 and column 11, lines 1-3). This reads on a first input that accepts first data representing a first information, a second input that accepts second data representing a second information said second information being unrelated to and independent of said first information, a first color marking element that deposits marks of a first color in accordance with said first data and a second color marking element that deposits marks of at least a second color in accordance with said second data and accommodating said marks of a first color, such that said first information and said second information are printed on the medium and are detectable from the printed medium as separate first information and second information

Regarding claim 22, claim 22 is rejected for the same reasons as 21.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen US 4739377 in view of Jauch US 4504084.

Regarding claim 12, Allen teaches of a confidential document sheet (5) that includes an image area (column 2, lines 42-43), which reads on a medium having a surface. Allen teaches of bar code (column 2, lines 45-55), which reads on marks of a first color deposited on said surface and arranged in a pattern to convey a first information, which reads on marks of a first color deposited on said surface and arranged in a pattern to convey a first information.

Allen fails to teach of marks of at least second and third colors deposited on said surface in locations where said marks of said first color are absent and conveying a second information by a sequence of said second and third color marks, said second information being unrelated to and independent of said first information.

Jauch teaches of a vital document where an information support in which a black color can be made by overprinting cmy colors and information-bearing markings, which are invisible (column 1, lines 49-67 and column 2, lines 1-6). This reads on at least second and third colors deposited on said surface in locations where said marks of said first color are absent and conveying a second information by a sequence of said second and third color marks, said second information being unrelated to and independent of said first information.

Allen could have easily been modified with the ink jet printer of Jauch. This modification would have been obvious to one skilled in the art at the time of the

invention because it would allow for first information and second information to be detectable when printed.

5. Regarding claim 14, Allen teaches of that the image is developed with black toner and another image is developed with transparent fluorescent toner (column 7, lines 10-15). He also teaches that alternate printing techniques may include ink jet printing (column 10, lines 66-67 and column 11, lines 1-3). This reads on marks of a first color further comprises dots of a first color ink and wherein said marks of a second color further comprise dots of a second color ink.

Allowable Subject Matter

6. Claims 4,9,13,15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: Claims 4,9,13 and 15 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches of a super pixel that is created from at least two colors.

8. The following is a statement of reasons for the indication of allowable subject matter: Claim 16 is allowable over the prior art of record because the Examiner found

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neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches of a second color is perceptible to a human and said third color is imperceptible to a human.

9. Claims 18-20 and 23-34 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: Claims 18-20 and 23-34 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches of a super pixel that is created from at least two colors.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Burleson at (703) 305-8683. The examiner can normally be reached Monday thru Friday, 8:00 a.m. – 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (703) 305-4863. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and after final communications.

Any inquiry of a general nature or relation to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KA Williams
KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

Mlb

December 10, 2004

MB